

### REMARKS

Claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are pending in the application. Claims 40, 41, 43, 45, 47, 49, 51, 53, 55, and 57 are withdrawn from consideration as being directed to non-elected inventions. In the non-final Office Action of December 31, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(e) as being anticipated by *Asatsuma, et al. (US 7,176,499)* (“*Asatsuma ‘499*”).
- B.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(a) as being anticipated by *Asatsuma, et al. (US JP 2004088134)* (“*Asatsuma ‘134*”).
- C.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of *Ito, et al. (US 20050042787)* (“*Ito*”).

Applicants respectfully traverse the rejections and address the Examiner’s disposition below.

- A.) Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(e) as being anticipated by *Asatsuma, et al. (US 7,176,499)* (“*Asatsuma ‘499*”):

Applicants respectfully disagree with the rejection.

*Asatsuma ‘499* cannot anticipate claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56, because *Asatsuma ‘499* is not a proper reference under 35 U.S.C. §102. Applicants previously established an invention date of at least as early as October 12, 2001. *Asatsuma ‘499* has a U.S. priority date of October 3, 2002. The Examiner has failed to take into consideration Applicants’ already-established invention date of at least as early as October 12, 2001, which pre-dates *Asatsuma ‘499*’s U.S. priority date of October 3, 2002. As Applicants’ invention date pre-dates *Asatsuma ‘499*’s U.S. priority date, *Asatsuma ‘499* cannot anticipate Applicants’ claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

- B.) Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(a) as being anticipated by *Asatsuma, et al. (US JP 2004088134)*("Asatsuma '134"):

Applicants respectfully disagree with the rejection.

*Asatsuma '134* cannot anticipate claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56, because *Asatsuma '134* is not a proper reference under 35 U.S.C. §102. Applicants previously established an invention date of at least as early as October 12, 2001. *Asatsuma '134* has a Japanese filing date of December 15, 2003. The Examiner has failed to take into consideration Applicants' already-established invention date of at least as early as October 12, 2001, which pre-dates *Asatsuma '134*'s Japanese filing date of December 15, 2003. As Applicants' invention date pre-dates *Asatsuma '134*'s Japanese filing date, *Asatsuma '134* cannot anticipate Applicants' claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

- C.) Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of *Ito, et al. (US 20050042787)*("Ito"):

Applicants respectfully disagree with the rejection.

Applicants submit that the rejection is at best a provisional rejection, because the present application and *Ito* are currently pending.

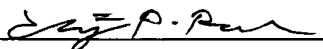
Further, *Ito* cannot anticipate claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56, because *Ito* is not a proper reference under 35 U.S.C. §102. Applicants previously established an invention date of at least as early as October 12, 2001. *Ito* has a PCT filing date of October 28, 2002. The Examiner has failed to take into consideration Applicants' already-established invention date of at least as early as October 12, 2001, which pre-dates *Ito*'s PCT filing date of October 28, 2002. As Applicants' invention date pre-dates *Ito*'s PCT filing date, *Ito* cannot anticipate Applicants' claimed invention.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)  
Christopher P. Rauch  
SONNENSCHNEIN, NATH & ROSENTHAL LLP  
P.O. Box #061080  
Wacker Drive Station - Sears Tower  
Chicago, IL 60606-1080  
Telephone 312/876-2606  
Customer #26263  
Attorneys for Applicant(s)